

The RIAA vs. College Students: Covering the Story on Your Campus

Do you work for your college newspaper or TV station and need a story idea? Well, here's a topic most university students in the U.S. can relate to: downloading and sharing digital music. Anti-piracy commercials and campaigns are constantly telling our generation to stop downloading copyrighted work, but most students do it anyways. That's gotten some people into trouble with the Recording Industry of America (RIAA). The RIAA is now targeting college students in their fight to stop piracy by sending out pre-litigation settlement letters. There is controversy surrounding these letters & how universities should respond. This paper is a guide to help you, a student journalist, cover the issue on your own campus.

Why should I write about it?

Most college students download music or digital files on their computers using Peer-to-Peer file sharing software. Sharing music files on P2P applications is considered sufficient to claim copyright infringement. There is an ongoing battle regarding file sharing on college campuses throughout the nation. The Recording Industry of America (RIAA) has recently been sending "pre-litigation settlement letters" to hundreds of college students they accuse of illegal downloading. Although you may not have personally received a letter or know anyone that has, it is an issue that is applicable to all college students.

As the RIAA continues sending settlement letters to various schools, it is important to understand what your University will do to protect its students. Many different universities have taken different approaches to dealing with the situation; some have simply complied with the RIAA by identifying their students, others have not. By investigating what your school administration's stance is, you will be able to inform students about their legal options, appropriate ways to deal with a settlement, and even how to prevent getting into a lawsuit.

What is the Issue About?

The RIAA has sent out pre-litigation settlement letters to hundreds of unidentified parties or "John Does" they accuse of illegal downloading. The heart of the issue lies in whether the RIAA is going through a lawful process to obtain the identities of students they think are doing something illegal. The RIAA says they are sending letters to college students as a way to fight piracy. Others say it is simply an extortion campaign that takes advantage of college students and does not adhere with due process of law. They claim that Federal privacy laws prevent putting record-industry lawyers in touch with students.

How the Settlement Process Works:

The first thing that happens is that RIAA goes to a judge in order to obtain an "ex-parte" order to issue a subpoena for a school to identify certain IP addresses. What does that mean? Well, an "ex parte" decision is one that is decided by a judge *without* requiring all parties to be present. In this case it means only the RIAA is there. It also

means that the universities receive no notice that the RIAA has gone to obtain a subpoena.

Once the RIAA obtains a subpoena from a judge it sends that subpoena to the university asking the school to match a list of IP address to particular students. An IP addresses is like an electronic address, almost like a street address, that can uniquely identify a specific computer. A University can then choose to quash the subpoena or forward the settlement letters to its students. At that point students can choose to settle or fight a lawsuit against the RIAA.

Getting Initial Information

You can obtain many of the basic facts about the settlements by simply searching on the Internet for different documents. Here is a list of some helpful documents and websites to help get you started.

1. <http://www.riaa.com/> The Recording Industry of America
2. <http://www.eff.org/> The Electronic Frontier Foundation. Make sure to check out their section on file sharing that includes a petition they've formed to stop file sharing lawsuits.
3. <http://www.educause.edu/ir/library/pdf/CSD4832.pdf> A copy of a Notification of Copyright Infringement.
4. www.eff.org/IP/P2P/RIAAatTWO_FINAL.pdf RIAA vs. the People, a document written by the Electronic Frontier Foundation explaining John Doe settlements

What else has been written?

Various news organizations, technology websites, and blogs have been writing about the issue. Some campus newspapers have already written articles when some of their own students received settlement letters. Check out these articles:

1. http://thephoenix.com/article_ektid38703.aspx - University of Maine
2. http://www.dailyevergreen.com/pdfs.php?date=04/17/2007&page_num=05 The Daily Evergreen
3. <http://arstechnica.com/news.ars/post/20070417-ncsu-students-v-riaa-the-fight-has-just-begun.html> - NCSU
4. <http://arstechnica.com/news.ars/post/20070320-university-of-wisconsin-decides-not-to-pass-along-riaa-settlement-letters.html> - University of Wisconsin

Interviewing

Now it's time for interviewing! As all journalists know, it's important to get the facts yourself... If you are at a university that has already received settlement letters from the RIAA, my suggestion is to ask students on campus if they know anyone that has received a letter. If you find out a name, talk to them!

If your school hasn't gotten any letters that's okay, you still have a story! It's still useful to find out what type of approach your school will take when handling these types of cases. Call your administration. Here's who to talk to:

1. Media Relations- they may have a statement prepared
2. Your school's General Council- they handle all of the legal work for your school
3. The Information Technology department- They handle problems involving the school's network.

4. The DMCA Agent- Each school is required to have a DMCA Agent who is often responsible for dealing with any copyright complaint issued to the school. Every school is required to have a link on their website to the agent. Here's how to find it: [www.\(yourschool\).edu /dmca](http://www.(yourschool).edu/dmca)

Talk to Law professors and law firms near your school. They can help you out with any legal questions you still may not understand. If you can obtain a copy of a settlement case, ask them to explain to you what each Exhibit means & how students can fight the settlements.

1. Talk to a Law Professor that teaches issues about digital rights & ask them about copyright of digital files
2. Contact a law firm that represents one of the record labels that are a part of the RIAA
3. Find a lawyer that's fighting against the RIAA. To find one in your state, look at the Recording Industry vs. The People website... Ray Beckerman has compiled a list of lawyers to contact.

<http://recordingindustryvspeople.blogspot.com/#directory>

Find organizations on campus know about the subject. Many student groups are interested in music rights and copyright issues. See if your school has a group, like Free Culture, that is willing to share their opinion on the subject matter.

Lastly, call the RIAA! See if anyone there will talk to you or issue a statement about the lawsuits! They're hard to get a hold of, but if someone does talk to you, be prepared to ask questions!

Writing The Story

Once you've gotten both sides of the story, you can begin writing! Remember, you have a story regardless of whether your school has directly received any letters. It's important to know what your administration is doing & what students can do to protect themselves.

By getting the information out to college students, every individual student news organization can help ensure that even if their school is not standing up the RIAA, students will know their legal rights. Most students use the Internet to download and share files with friends, and thus it is important to know what aspects are legal or illegal, how to protect themselves from a lawsuit, and how to change anything they feel is unlawful.